

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AUTHORIZE THE ABANDONMENT OF A PORTION OF COOK STREET, N.W. LOCATED BETWEEN MAIN STREET AND THE DEAD END OF COOK STREET CONSISTING OF APPROXIMATELY 0.24683 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A," LYING AND BEING IN LAND LOT 245 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of Cook Street [described in Exhibit "A" and hereafter referred to as "Cook Street"];

**WHEREAS**, the abandoned portion of Cook Street will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA**, as follows:

**Section 1.** That the portion of Cook Street, N.W. located between Main Street and the dead-end of Cook Street, being more specifically described in the attached Exhibit "A" lying and being in Land Lot 245 of the 17th District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

**Section 2.** That the City hereby expresses its intent to abandon Cook Street (as hereinabove defined).

**Section 3.** That the abutting property owners have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Cook Street.

**Section 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**Section 5.** That the Chief Procurement is hereby directed to have prepared an appraisal to determine its fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

**Section 6.** That all costs associated with the advertising and the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

**Section 7.** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**Section 8.** That the Mayor be and is hereby authorized to execute a quitclaim deed to conveying any interest that the city may have in the above-described portion of said street [herein described in Exhibit "A"].

**Section 9.** That the date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**Section 10.** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

**Part II: Legislative White Paper:**

**A. To be completed by Legislative Counsel:**

**Committee of Purview:**

**Caption: AN ORDINANCE**

**BY COMMITTEE**

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**Council Meeting Date:** September 4, 2007

**Requesting Dept.:** Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

THE PURPOSE OF THIS LEGISLATION IS TO  
ABANDON CITY OF ATLANTA RIGHT-OF-WAY FOR  
DEVELOPMENT.

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

**(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):**

**(b) Source Selection:**

**(c) Bids/Proposals Due:**

**(d) Invitations Issued:**

- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

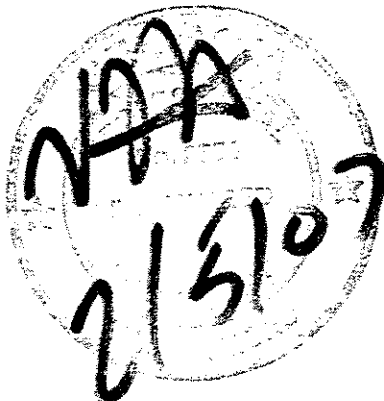
7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: WAHAB ALABI

**Description of Property**  
Cook Street Abandonment

All of that tract or parcel of land lying and being in Land Lot 245 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point formed by the northerly right-of-way of Southern Railroad (variable right-of-way) and the northeasterly right-of-way of Main Street (50' right-of-way), also being the easterly right-of-way of Cook Street where it intersects the northeasterly right-of-way of Main Street; from the Point of Beginning thus established, proceed thence North  $57^{\circ}43'33''$  West along the northeasterly right-of-way of Main Street (50' right-of-way) for a distance of 48.24 feet to a point where said right-of-way of Main Street intersects the westerly right-of-way of Cook Street (variable right-of-way); thence departing the northeasterly right-of-way of Main Street (50' right-of-way) and proceeding North  $01^{\circ}42'45''$  West along the westerly right-of-way of Cook Street for a distance of 180.96 feet to a point; thence South  $87^{\circ}20'34''$  East and departing the westerly right-of-way of Cook Street for a distance of 24.93 feet to an iron pin found (1/2" re-bar); thence North  $01^{\circ}42'45''$  West a distance of 200.40 feet to a point; thence South  $88^{\circ}14'45''$  East for a distance of 15.16 feet to a point on the easterly right-of-way of Cook Street; thence South  $01^{\circ}42'45''$  East along the easterly right-of-way of Cook Street for a distance of 405.50 feet to a point on the northerly right-of-way of Southern Railroad (variable right-of-way) and the northeasterly right-of-way of Main Street (50' right-of-way) and the Point of Beginning; Said tract or parcel containing 0.24683 of an acre, or 10,752 square feet.



N/F  
FOUNDATION OF THE COSMIC  
CONSCIOUSNESS, INC  
DB 17757/PG 335

TRACT SIX  
N/F  
BMT LLC  
DB 44543/PG 644  
TAX PARCEL ID#  
17-0245-0001-003

TRACT FOUR  
0.24683 AC  
(10,752 SF)

\* SEE NOTE

TRACT SEVEN  
N/F  
BMT LLC  
DB 44543/PG 644  
TAX PARCEL ID#  
17-0245-0001-003

S88°14'45"E  
15.16'

#2417 COOK STREET

TRACT THREE  
N/F  
BMT LLC  
DB 44543/PG 644  
TAX PARCEL ID#  
17-0245-0001-038

\* TRACT FOUR

NOTE: ON TAX MAPS TRACT FOUR AND TRACT FIVE ARE SHOWN AS COOK STREET. THE RECORD DEEDS FOR TRACTS ONE, TWO AND THREE ALL CALL FOR THE COOK STREET AS THEIR WESTERLY BOUNDARY AS DO THE SURVEYS WHICH WERE UNCOVERED IN THE COURSE OF OUR RESEARCH. THE RECORD DEEDS FOR TRACTS FIVE, SIX AND SEVEN MAKE NO MENTION OF COOK STREET. IN THE COURSE OF OUR RESEARCH AND IN THE TITLE COMMITMENTS WE WERE FURNISHED WE FOUND NO DEEDS OR PLATS WHERE COOK STREET WAS OFFICIALLY DEDICATED AND ACCEPTED BY THE CITY OF ATLANTA.

REFERENCE MATERIAL:

1. PLAT: BOUNDARY, TOPOGRAPHIC & TREE SURVEY FOR JIM BROWN " LAND LOT 245, 17TH DISTRICT " CITY OF ATLANTA, FULTON COUNTY, GEORGIA " BY WATTS & BROWNING ENGINEERS, INC. " LAST REVISED 07/31/06.

ON LINE  
IPF 1 1/4" CT

#2411 COOK STREET

TRACT TWO  
N/F  
BMT LLC  
DB 44543/PG 644  
TAX PARCEL ID#  
17-0245-0001-039

S04°42'45"E  
405.50'

#2391 COOK STREET

TRACT ONE  
N/F  
BMT LLC  
DB 44543/PG 644  
TAX PARCEL ID#  
17-0245-0001-005

S87°20'24"E  
24.93'

N01°42'45"W  
180.96'

N/F  
COOK STREET

0.6' CONC. BLOCK S/T WALL  
ASPHALT DRIVE

GRAPHIC SCALE



( IN FEET )

1 inch = 50 ft.



WATTS & BROWNING ENGINEERS, INC.

CIVIL ENGINEERS & LAND SURVEYORS  
5582 PEACHTREE ROAD  
ATLANTA, GEORGIA 30341-4953

PHONE: (770) 451-7453

FAX: (770) 455-3955

WWW.WBENG.COM

SCALE: 1"=50'  
DATE SURVEYED: 05/02/06  
DATE UPDATED: N/A  
SURVEYED BY: CALLAHAN  
DATE DRAFTED: 02/05/07  
UPDATE DRAFTED: N/A  
DRAWN BY: JP  
CHECKED BY: MH  
FIELD BOOK #: 2254  
JOB NUMBER: 060509  
FOLDER NUMBER: 060509  
COGO FILE: 552-28-INC00K  
DISC FILE: 276-060509-AP  
COUNTY/LL/D/S: FULTON/245/17TH  
PLAT FILE: 1  
SHEET: 1 OF 1

COOK STREET  
RIGHT-OF-WAY ABANDONMENT PLAT FOR  
BMT LLC  
LOCATED IN  
LAND LOT 245 ~ 17TH DISTRICT  
CITY OF ATLANTA  
FULTON COUNTY, GEORGIA

2/5/07

GRID NORTH-WEST ZONE

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_ Soraya Belgrave \_\_\_\_\_

Contact Number: \_\_\_\_\_ ext. 6002 \_\_\_\_\_

Originating Department: \_\_\_\_\_ Public Works \_\_\_\_\_

Committee(s) of Purview: \_\_\_\_\_ Committee \_\_\_\_\_

Chief of Staff Deadline: \_\_\_\_\_ July 9, 2007 \_\_\_\_\_

Anticipated Committee Meeting Date(s): \_\_\_\_\_ August 1 and 29, 2007 \_\_\_\_\_

Anticipated Full Council Date: \_\_\_\_\_ September 4, 2007 \_\_\_\_\_

Legislative Counsel's Signature: \_\_\_\_\_ Terry Grandison \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_ David E. Scott, P.E. \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

AN ORDINANCE

BY \_\_\_\_\_ COMMITTEE

AN ORDINANCE TO AUTHORIZE THE ABANDONMENT OF A PORTION OF COOK STREET, N.W. LOCATED BETWEEN MAIN STREET AND THE DEAD END OF COOK STREET CONSISTING OF APPROXIMATELY 0.24683 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A," LYING AND BEING IN LAND LOT 245 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: \_\_\_\_\_ 7/12/07 \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)